



Artisan
Planning & Development Consultants

Aquatix-2 U
Glebe Farm,
London Road,
Copdock
IP8 3JN

Variation of Condition no.10 of Planning Permission 22/00227 (Erection of 2no. commercial warehouse units), to vary the approved operating hours.

Planning Statement

Prepared for Aquatix-2u Ltd.

October 2023

Artisan Ref:
A4497(b)

Date	Version	Author	Checked by
30/09/23	0.1 Internal draft	LS	MJS
07/01/23	0.2 client review	LS	GT
10/10/2023	0.3 submission	LS	MJS

This document has been prepared for our client, Aquatix – 2u Ltd. Artisan does not accept any liability for the use of any information or advice contained in this report by third parties or any loss or damage caused by its unauthorised use.

Artisan Planning & Development Consultants is a trading name of
Artisan Planning & Property Services Ltd
Director: Leslie Short BA MRTPI MRICS

Berwick House
Homechurch
Baylham
Suffolk
IP6 8RF

01473 832995
admin@artisan-pps.co.uk
www.artisan-pps.co.uk

Registered in England & Wales No. 07999008

Contents

1.	Introduction & Planning Submission Checklist	2
2.	Background and Application Proposals	3
3.	Planning Policy Consideration	7
	Appendices	12

Appendices

Appendix 1 Copy Planning Permission 22/00227

1. Introduction & Planning Submission Checklist

Introduction

- 1.1 This application proposes the variation of condition no.10, of Planning Permission 22/00227, (erection 2no. commercial warehouse units), operating hours.
- 1.2 Planning Permission 22/00227 was granted on 21 October 2022.
- 1.3 An earlier permission, 19/05444, relating to a different part of the site is the subject of a separate application to vary operating hours to tie in with those now proposed in this application.
- 1.4 Aquatix-2u Ltd. is the applicant, owner and occupier of the site and buildings.

Planning Submission Checklist

- 1.5 This application comprises the following:

General

Application form

Application fee of £234

Technical Reports

Planning Statement by Artisan PPS Ltd. October 2023

Acoustic Assessment by Oakridge Environmental Ltd. October 2023

2. Background and Application Proposals

2.1 Aquatix' premises at Glebe Farm are located on London Road, Copdock amidst a mix of industrial/commercial uses, agricultural land and dwellings. The nearest dwellings to the Aquatix site are those on the opposite side of London Road some 75m away from its entrance and in The Avenue, approximately 100m to the North of the site. London Road is a dual carriageway and is the former A12 trunk road.

2.2 Also located to the north of Aquatix some 200m away, is the Copdock Village Hall which the website advises:-



Up to 200 guests can use the facility and even a cursory examination of the booking diary will demonstrate that it is used well into the evening being available Mon – Friday, 0800 until 2300 and on Saturdays and Sundays from 0900 until 0000 midnight.

2.3 The nearest commercial use is the Best Western Hotel located 100m north-west This hotel often hosts live and recorded music events.

2.4 Copdock Mill is located at the start of London Road at its northerly end and operates as an agricultural and pet feed store with 7 days a week operating times (inc. Bank Holidays) and several storage/distribution buildings further south of their site on London Road.

OPENING HOURS	
Monday	8:00 am - 6:00 pm
Tuesday	8:00 am - 6:00 pm
Wednesday	8:00 am - 6:00 pm
Thursday	8:00 am - 6:00 pm
Friday	8:00 am - 6:00 pm
Saturday	8:00 am - 6:00 pm
Sunday	10:00 am - 4:00 pm
Bank Holidays	10:00 am - 4:00 pm



Site Location and context

- 2.5 The A12 runs parallel to London Road, 400m to the East and the A14/A12 Copdock interchange is 1.3km to the North-East.
- 2.6 Aquatix-2U is a family run business which specialises in supplying all forms of water based (pond & aquarium) products. The facility at the application site is solely storage and distribution with all sales being completed either on the internet or via telephone.
- 2.7 There are on average 10 deliveries a day, including 2/3 deliveries a day via larger 7-10 tonne vehicles and the remainder, by smaller Sprinter vans. On average there is 1 large articulated HGV delivery per week and unloading takes place within the buildings to minimise movements within the site and thus noise emanating from loading/unloading activities.
- 2.8 The site is not located within any protected landscape, nor is it close to any listed building or to their setting.
- 2.9 The acoustic assessment accompanying this submission completed by Oakridge Environmental Services, concludes that road traffic noise is the dominant noise source affecting both the site and surrounding dwellings.

The Application

- 2.10 This application is made under S73 of the Town and Country Planning Act 1990 which allows applications to be made for permission to develop without complying with a condition(s) previously imposed on a planning permission. This includes provision for the variation of any conditions referenced by the root permission which in this instance is Permission 22/00227, granted in March 2022 (see Appendix 1).

Condition 10

- 2.11 This is extracted and reproduced below.

10. SPECIFIC RESTRICTION ON DEVELOPMENT: OPERATING HOURS

The warehouse and office shall not operate outside of the following hours:

Monday to Friday: 08:30 - 17:00

Saturday: 09:00 - 13:00

No works on Sundays or Public Holidays.

Reason - In the interests of protecting residential amenity.

- 2.12 The proposed change to the condition is highlighted in the text below.

10. The warehouse and office shall not operate outside of the following hours:

Monday to Friday 08:30 - 17:00

Saturday 09:00 – 17:00

Sundays and/or Public Holidays 09:00 – 17:00

- 2.13 There are no other changes proposed to the approved development.

The Aquatix operation

- 2.14 Aquatix operated these extended hours during the summer of 2023 for the period, March to August to include the last Bank Holiday of that month but ceased doing so on 31 August to re-engage the hours authorised by the extant planning permission. Due to business growth along with expectation by platforms (customer experience on platforms demands a particular level of service or accounts can be closed/restricted), it was necessary to adjust the site operating hours at the busiest period between March and August to service and safeguard the business.

- 2.15 All items ordered from Friday afternoon cut off until Monday afternoon cut off, are dispatched on the following Monday. Many customers have next day delivery expectations and strong penalties from platforms are levied if this is not adhered to.

- 2.16 Within the current operating hours restriction, Aquatix used to be able to do enough on a Saturday morning to 'break the back of it for Monday'. This is no longer possible and with the expectations of platforms and collection time availability by couriers it was and still is, necessary to utilise a Saturday afternoon and a full Sunday to achieve the required service expectation/demand from platforms and customers and meet the expanded level of business. Hence the need for an application to vary the sites operating hours.

- 2.17 During the authorised period on a typical Saturday morning between 9am-1pm the business operates full team in the warehouse and 1 in office. Whilst operating Saturday mornings the business typically had 1 x courier collection and 1 x royal mail collection. There was also the potential for the occasional delivery. During the period that the business did operate on a Sunday, the same level of delivery/collection was experienced. Nevertheless, despite the relatively low numbers, these delivery/collection facilities are crucial to the successful ongoing operation of the business. Similarly, to function effectively, the Sunday working requires the attendance for a full day for 1 member of the office staff and half to two thirds of the warehouse team.
- 2.18 There is no machinery operated nor any outdoor work conducted on weekends or Bank Holidays. Staff arrive for work, enter the warehouse, pick, and pack items for dispatch and exit the building and premises at 5pm., as do the Office staff.
- 2.19 There is no plant on site or air conditioning units installed to buildings on site.
- 2.20 In terms of all vehicle movements to/from the site (including staff), these average at around 50 total per day between Monday and Friday and around 12 on a Saturday or Sunday.

3. Planning Policy Consideration

- 3.1 Planning applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise¹.
- 3.2 The Council's Development Plan consists of:
- (a) Babergh Core Strategy (2014)
 - (b) Babergh Local Plan (2006)
 - (c) Emerging Joint Local Plan 2023 (Part 1)
 - (d) Draft Copdock and Washbrook Neighbourhood Plan (March 2023)
- 3.3 By the time this application is determined, it is anticipated that the status of the Council's emerging joint local plan (EJLP) will have changed and that so-called Part 1, will be formally endorsed and adopted by the Council in November 2023 and will become operative planning policy for development management purposes thereafter. Indeed, the weight which could be attributed to these EJLP policies today in October 2023, although not yet formally adopted, is considerable, given the status in the local plan process and as set out in paragraph 48 of the National Planning Policy Framework 2023.
- 3.4 Similarly, the policies of the draft neighbourhood plan (Copdock & Washbrook Neighbourhood Plan) (CWNP) have also reached an advanced stage. However, as the plan has not yet been adopted/made, any policy contained within the CWNP carries limited weight. Nevertheless, we are cognisant of emerging policy in the NP.
- 3.5 In summary, the planning policy considerations which apply to the proposed development are assessed in this statement in relation to the proposed newly adopted policies of the EJLP and no reference is made to any policies of those documents listed as a) and b) in para 3.2 above which will be superseded in November 2023. Reference is also made to relevant emerging policy of the CWNP.

Relevant Policies of the EJLP

- 3.6 Policy, LP09 relates to supporting a prosperous economy and notes that:-

Proposals for employment use must:

- a. Be sensitive to the surroundings, including any residential and other amenity, landscape and heritage assets;*
 - b. Demonstrates—a high standard of design*
 - c. Where necessary, provide contributions to the enhancement of the digital infrastructure network; and*
 - d. Demonstrate a safe and suitable access for all users, sufficient on- site parking and that it will not have a severe impact on the road network.*
- 3.7 It is submitted that the proposal comprised within this application to change the operating hours of the business complies with sub para (a). in the list above and has no consequence for the other matters sequentially listed in Policy LP09. Thus, there will be no adverse impact upon the local environment, or to any aspect of amenity.

3.8 Policy, LP15 relates to Environmental Protection and Conservation and states that:-

Development proposals must demonstrate appropriate consideration of the following:

1. *Prevent, or where not practicable, mitigate and reduce to a minimum all forms of possible pollution including, but not limited to; air, land, ground and surface water, waste, odour, noise, light and any other general amenity, including public amenity and visual amenity impacts. This must be convincingly demonstrated by impact assessments where appropriate.*
2. *Significant adverse amenity impacts are avoided where a proposal is located adjacent to or close to existing uses. This would include an assessment of any identified amenity impacts that have a significant adverse effect and how the continued operation of existing use(s) would not be prejudiced.*

3.9 It is submitted that the proposal comprised within this application to change the operating hours will have no adverse impact upon the local environment, or to any aspect of amenity. The submitted acoustic assessment demonstrates unequivocally, that there will be no significant adverse impacts on those matters cited within the newly adopted policies of Part 1 of the Council's JLP.

National Planning Policy Framework 2023

3.10 At the national level, there are several policies and paragraphs within the NPPF relevant to the application.

3.11 In section 6. **Building a Strong, Competitive Economy**, the following paragraphs are relevant to the assessment and determination of this application and are supportive (where wording is **emboldened**).

81. Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation⁴², and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

82. Planning policies should:

- a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration;**
- b) set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;**
- c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and**

d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances

3.12 In terms of the sub section “supporting a prosperous rural economy”, the following paragraphs are relevant to the determination of this application,

84. Planning policies and decisions should enable:

a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;

85. Planning policies and decisions should

recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

174 e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;

185. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life⁶⁵;

3.13 It is submitted that the proposal comprised within this application to change the operating hours of the business on this site, takes support from, or complies with, the above listed policies of the NPPF.

3.14 **Relevant policies of Draft Copdock and Washbrook Neighbourhood Plan (March 2023)**
Policy CW4 relates to existing employment sites and is extracted and copied as text into the next page of this Statement. Principally, the policy seeks to support the retention of employment sites subject to their being no adverse impact on the locality including by noise. The submitted noise assessment addresses the issue and is therefore in compliance with emerging policy of the Neighbourhood Plan.

Policy C&W 4 - Employment Sites

The retention and development of existing employment and other business uses, including those identified on the Policies Map, will be supported providing such proposals do not have a detrimental impact on the local landscape character, heritage assets, residential (including noise, light and air pollution, loss of privacy and overlooking), traffic generation, identified important views and identified important gaps in the built-up area.

Proposals for non-employment or business uses that are expected to have an adverse impact on employment generation will only be permitted where one or more of the following criteria has been met:

- a) evidence can be provided that genuine attempts have been made to sell/let the site/premises in its current use, and that it can be demonstrated that no suitable and viable alternative employment / business uses can be found or are likely to be found in the foreseeable future;
- b) the existing use has created over-riding environmental problems (e.g. noise, odours or traffic) and permitting an alternative use would be a substantial environmental benefit that would outweigh the loss of an employment / business site;
- c) an alternative use or mix of uses would assist in regeneration and offer greater benefits to the community in meeting local business and employment needs;
- d) it is for an employment related support facility, such as employment training/education or workplace crèche;
- e) an alternative use or mix of uses would provide other sustainability benefits that would outweigh the loss of an employment / business site.

4. Summary and Conclusions

- 4.1 Aquatix-2u Ltd. is the freehold owner of the application site and land adjacent. This is a simple application for the minor alteration to the approved details of the operating hours of the site in response to the dramatic changes to this and many other businesses like it across the county and country to respond to an ever changing market place in which to carry out a commercial business.
- 4.2 The proposed change to operating hours is relatively minor but is vital and necessary for the business to remain competitive. That business can make the change with very little, if any, perceptible difference to the locality.
- 4.3 Planning policy, whether existing or proposed/emerging, is entirely supportive of the development scheme proposed within the application details and should be approved at the earliest opportunity.

END

Appendices

Appendix 1 Decision Notice 22/00227

Appendix 1

Copy Planning Permission 22/00227

Philip Isbell – Chief Planning Officer
Sustainable Communities

Babergh District Council

Endeavour House, 8 Russell Road, Ipswich IP1 2BX

Website: www.babergh.gov.uk



PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015

Correspondence Address:

Mrs Sharon Smith
Fisher Jones Greenwood
Charter Court
Newcomen Way
Colchester Business Park
Colchester CO4 9YA

Applicant:

Aquatix 2U
Glebe Farm
Old London Road
Copdock And Washbrook
IP8 3JN

Date Application Received: 14-Jan-22

Application Reference: DC/22/00227

Date Registered: 17-Jan-22

Proposal & Location of Development:

Planning Application. Erection of 2No commercial warehouse units.

Glebe Farm, Old London Road, Copdock And Washbrook, IP8 3JN

Section A – Plans & Documents:

This decision refers to drawing no./entitled 2021222 01 REV B received 14/01/2022 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Site Plan 2021222 02 REV C - Received 07/02/2022

Proposed Plans and Elevations 2021222 03 REV D - Received 07/02/2022

Defined Red Line Plan 2021222 01 REV B - Received 14/01/2022

Proposed Plans and Elevations 2021222_04 REV A - Received 17/01/2022

Section B:

Babergh District Council as Local Planning Authority, hereby give notice that **PLANNING PERMISSION HAS BEEN GRANTED** in accordance with the application particulars and plans listed in section A subject to the following conditions:

1. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE:
COMMENCEMENT TIME LIMIT

The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. APPROVED PLANS & DOCUMENTS

The development hereby permitted shall be carried out in accordance with the drawings/documents listed under Section A above and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard. Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved under Section A, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Reason - For the avoidance of doubt and in the interests of proper phased planning of the development.

3. ACTION REQUIRED: WILDLIFE SENSITIVE LIGHTING

Prior to first use, a lighting design scheme for biodiversity shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specification and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason - To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

4. ACTION REQUIRED: BIODIVERSITY ENHANCEMENT STRATEGY

Prior to the commencement of any works above slab level, a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved, in writing, by the Local Planning Authority; following the details contained within the Preliminary Ecological Appraisal including a Protected Species Assessment (Skilled Ecology Consultancy, Ltd, November 2020).

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) Detailed designs to achieve stated objectives;
- c) Locations of proposed enhancement measures by appropriate maps and plans;

- d) Persons responsible for implementing the enhancement measures;
 - e) Details of initial aftercare and long term maintenance (where relevant)
- The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason - To enhance Protected and Priority species/habitats and allow the LPA to discharge its duties under the S40 of the NERC Act 2006 (Priority habitats & species).

5. ACTION REQUIRED: ECOLOGICAL APPRAISAL RECOMMENDATIONS

All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal including a Protected Species Assessment (Skilled Ecology Consultancy Ltd, November 2020) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason - To conserve Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime and Disorder Act 1998.

6. ACTION REQUIRED PRIOR TO SLAB LEVEL: LANDSCAPING SCHEME

No development above slab level shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard, soft and boundary treatment landscaping works for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained.

Reason - In the interests of visual amenity and the character and appearance of the area.

7. ONGOING REQUIREMENT OF DEVELOPMENT: TIMESCALE FOR LANDSCAPING

All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be approved, in writing, by the Local Planning Authority up to the first use or first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and species.

Reason - To ensure that the approved landscaping scheme has sufficient time to establish, in the interests of visual amenity and the character and appearance of the area.

8. ACTION REQUIRED IN ACCORDANCE PRIOR TO OCCUPATION: FIRE HYDRANTS

Prior to the first occupation of the site, details of the provision of fire hydrants shall be submitted to and approved, in writing, by the Local Planning Authority. The fire hydrants shall be carried out in accordance with these details in their entirety and in accordance with the timetable as may be agreed.

Reason - To ensure the site is suitably served by fire hydrants.

9. PARKING AND MANOEUVRING

The use shall not commence until the area(s) within the site shown on Drawing No. 2021222/03, Rev. D for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on-site parking of vehicles is provided and maintained to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

10. SPECIFIC RESTRICTION ON DEVELOPMENT: OPERATING HOURS

The warehouse and office shall not operate outside of the following hours:

Monday to Friday: 08:30 - 17:00

Saturday: 09:00 - 13:00

No works on Sundays or Public Holidays.

Reason - In the interests of protecting residential amenity.

SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:

TP15 - Parking Standards - New Development

CN01 - Design Standards

EM01 - General Employment

EM20 - Expansion/Extension of Existing Employment Uses

CS01 - Applying the presumption in Favour of Sustainable Development in Babergh

NOTES:

1. **Statement of positive and proactive working in line with the National Planning Policy Framework (NPPF)**

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The NPPF encourages a positive and proactive approach to decision taking, delivery of sustainable development, achievement of high quality development and working proactively to secure developments that improve the economic, social and environmental conditions of the area. While the applicant did not take advantage of the service, the Council provides a pre-application advice service prior to the submission of any application. The opportunity to discuss a proposal prior to making an application allows potential issues to be raised and addressed pro-actively at an early stage, potentially allowing the Council to make a

favourable determination for a greater proportion of applications than if no such service was available.

Babergh and Mid Suffolk District Councils have adopted Community Infrastructure Levy (CIL) charging which affects planning permissions granted on or after 11th April 2016 and permitted development commenced on or after 11th April 2016. If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling or holiday let of any size your development may be liable to pay CIL and you must submit relevant documents to our Infrastructure Team telling us more about your development, who will pay CIL and when the development will start. You will receive advice on the amount you have to pay and what you have to do and you can find more information about CIL on our websites here:

[CIL in Babergh](#) and [CIL in Mid Suffolk](#) or by contacting the Infrastructure Team on: infrastructure@baberghmidsuffolk.gov.uk

This relates to document reference: DC/22/00227

Signed: Philip Isbell

Dated: 14th March 2022

**Chief Planning Officer
Sustainable Communities**

Important Notes to be read in conjunction with your Decision Notice

Please read carefully

This decision notice refers only to the decision made by the Local Planning Authority under the Town and Country Planning Acts and DOES NOT include any other consent or approval required under enactment, bylaw, order or regulation.

Please note: depending upon what conditions have been attached to the decision, action may be required on your part before you can begin your development. Planning conditions usually require that you write to the Local Planning Authority and obtain confirmation that you have discharged your obligations. You should read your decision notice in detail and make a note of the requirements placed on you by any conditions. **If you proceed with your development without complying with these conditions you may invalidate your permission and put your development at risk.**

Discharging your obligations under a condition:

You should formally apply to discharge your conditions and the relevant application forms are available on the Council's website. The Local Planning Authority has 8 weeks to write to you after you submit the details to discharge your conditions. You should always account for this time in your schedule as the Local Planning Authority cannot guarantee that conditions can be discharged quicker than this. A fee is applicable for the discharge of planning conditions.

Building Control:

You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control Section of Babergh and Mid Suffolk District Councils.

Appeals to the Secretary of State

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or consent, or to grant permission or consent subject to condition, they may appeal to the Secretary of State for Communities and Local Government. The applicant's right of appeal is in accordance with the appropriate statutory provisions which follow:

Planning Applications: Section 78 Town and Country Planning Act 1990

Listed Building Applications: Section 20 Planning (Listed Buildings and Conservation Areas) Act 1990

Advertisement Applications: Section 78 Town and Country Planning Act 1990
Regulation 15

Town and Country Planning (Control of Advertisements) Regulations 2007

Notice of appeal in the case of applications for advertisement consent must be served within eight weeks of receipt of this notice. Notice of Householder and Minor Commercial Appeals must be served within 12 weeks, in all other cases, notice of appeal must be served within six months of this notice. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within six months of the date of this notice, whichever period expires earlier.

Appeals must be made on a form which is obtainable from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at <https://www.gov.uk/government/publications/modelnotification-notice-to-be-sent-to-an-applicant-when-permission-is-refused>

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he/she will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him/her that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by it, having regard to the statutory requirements*, to the provisions of the Development Order, and to any directions given under the Order. The Secretary of State does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him/her.

2. If permission or consent to develop land or carry out works is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development or works which has been or would be permitted they may serve on the Council of the district in which the land is situated, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Section 137 of the Town and Country Planning Act 1990 or Section 32 Planning (Listed Buildings and Conservation Areas) Act 1990.

*The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70 and 72(1) of the Act.